

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

CHRISTIAN ALBERTO SANTOS GARCIA,	)	
<u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	1:20-cv-821 (LMB/JFA)
v.	)	
	)	
ALEJANDRO MAYORKAS, in his official	)	
capacity as Secretary, U.S. Department of	)	
Homeland Security, et al., <u>et al.</u> ,	)	
	)	
Defendants.	)	

ORDER

On November 16, 2020, the Federal Defendants<sup>1</sup> in this civil action filed a Motion to Dismiss, in Part, for Lack of Jurisdiction or Failure to State a Claim (“Motion”) [Dkt. No. 130], in which they argued that (1) the claims of plaintiffs Jose Linares Hernandez and Vano Bazerashvili had become moot and therefore should be dismissed and (2) that Count V of the Amended Complaint, which alleges a violation of the Administrative Procedures Act, should be dismissed as a matter of law because no final agency action has occurred. On December 18, 2020, the Court dismissed the claims of the plaintiffs Jose Linares Hernandez, Vano Bazerashvili, and Jorge Alexander Rivera Rodriguez as moot.

The Motion has been fully briefed; however, over the past months multiple events have delayed resolution of the Motion, including a stay of the proceedings due to the Federal

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<sup>1</sup> “Federal Defendants” refers collectively to defendants Alejandro Mayorkas, U.S. Immigration and Customs Enforcement, Tony H. Pham, and Russell Hott. Defendant Mayorkas was sworn in as Secretary of the Department of Homeland Security on February 2, 2021, and he has been automatically substituted for former Acting Secretary Chad F. Wolf pursuant to Federal Rule of Civil Procedure 25(d).

Defendants' interlocutory appeal. After the Federal Defendants dismissed that appeal, the Farmville Defendants<sup>2</sup> engaged in jurisdictional discovery. On September 9, 2021, plaintiffs filed two Notices of Voluntary Dismissal [Dkt. Nos. 192 and 193] which dismissed all claims against the Farmville Defendants.

Given the significant changes in this civil action and the injunction entered in Fraihat v. U.S. Immigration and Customs Enforcement, 445 F. Supp. 3d 709 (C.D. Cal. 2020), it is hereby

ORDERED that within fourteen (14) days, the parties advise the Court of the status of this civil action.

Entered this 4<sup>th</sup> day of October, 2021.

Alexandria, Virginia

/s/ LMB  
Leonie M. Brinkena  
United States District Judge

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<sup>2</sup> "Farmville Defendants" refers collectively to defendants Jeffrey Crawford and Immigration Centers of America—Farmville, LLC.